PRICE ONE CENT.

EVENING EDITION.

NEW YORK, TUESDAY, NOVEMBER 29, 1887.

EVENING EDITION.

#### PRICE ONE CENT.

stance gave all of its great ability and best judgment to the consideration of the case.

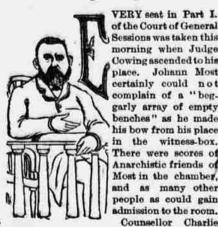
AS TO A SECOND TRIAL.

# MOST'S CASE FINISHED

The Evidence on Both Sides All in This Afternoon.

Mr. Howe Sums Up the Case for Most and Mr. Nicoll-for the People.

The Gathering Was Very Quiet and Peace ful-It Would Be "Abourd" to Make Threats and Defy the Law-He Handed a Reporter Notes of His Speech-Mrs. Hoffman and Many of His Anarchist Austria in 1870 Friends in Court-Questioned by Mr. Howe and Judge Cowing.



of the Court of General Sessions was taken this

Brooke, who defended "Honest" John O'Neil with a six-hour speech, passed around the Anarchist and surveyed him curiously Two ladies entered. One seated herself near the door, the other passed on to a place inside the bar. Which was Mrs. Hoffman, the Anarchist's wife, who bailed Most?

man, the Anarchist's wife, who bailed Most? Which was Lena Fischer, Most's whilom affinity? Each had blonde hair, bordering on red. The audience was equally divided on this point. One was Mrs. Hoffman and the other the wife of a court officer.

Mr. Howe'opened the proceedings by denying that he knew aught of the threatening letter received by Judge Cowing yesterday. Then Most was called to the stand. He denied any knowledge of this anonymous letter. Mr. Howe examined the Anarchist, speaking slowly, and Most answered as slowly, articulating the English words with extreme care and accuracy. He sat in a "hunch" in the witness chair and looked even smaller and less terrible than when on his feet.

Mr. Howe—Q. How old are you, Most? A.

Mr. Howe-Q. How old are you, Most? A. Forty-seven years, sir.
Q. Where were you born? A. In Augsburg, many.

How were you educated? A. In the common high schools of Germany.

How long were you at school? A. Eight Q. How long were you at school? A. Eight years.
Q. How long have you been in America? A. Five years.

Q. Are you in the habit of making speeches, and of taking notes before you speak? A. Yes, sir, I frequently speak and usually take notes.
Q. Did you attempt to incite your hearers at Kraemer Hall to acts of violence to the danger of the peace of New York? A. How could I? It would be absurd!

would be absurd!
Judge Cowing—But did you? A. No, sir.
Mr. Howe—Did you make any threats at that
meeting or say anything against the execution of
the law? A. No, sir.
Q. Did you see any policemen at that meeting?

would be proper to talk about the death of the Chicago men. The meeting was open and everybody could come in. Schultz was elected referende or chairman, and he said: "Now Citizen Most will speak." Citizen with us is not citizen of the United States, but is more democratic. It means Mr., or something like that. I don't think I could tell my speech fluently. I handed to one, a reporter, the oullines of my speech, but if Mr. Nicoll has ever made a prepared speech he knows that he says something between the outlines.

Mr. Howe—Tell as nearly as you can in this regard what you said and what happened.

Most—I began "Fellow-citizens, you have heard how our meeting in Forence Hall to mourn our Chicago brothers has been stopped by the police. It looks to me as if the Mayor and police cannot meet in public we will meet privately and they will learn that we can educate in private. Four of our comrades in Chicago have been murdered and one has committed suicide, because they have spoken for the workingmen and written in their behalf. They say that one of them threw a bomb, but everybody knows that they did not prove it and cannot prove it. They were tried for hatred and condemned by the hatred of the capitalists. They were not guilty."

Most began quietly. Then he became

They were tried for haired and condemned by the haired of the capitalists. They were not guilty."

Most began quietly. Then he became solemn, and raised his left hand in gesticulation. Towards this climax his voice became serious, loud and shrill, and then dropped again to a low cadence almost soft and musical in its mournfulness. He continued:

Then I tulnk there was a cry of "Rache!" "Revenue!" and I said, "Not now! It is no time to talk so." All those men, Grinnell, Gary, Ogiesby—all are murderers, but we must beware. All workingmen who did not protest against this judicial murder will regret it. It was the greatest murder of the age, and they who did not protest will hear their dry out of their graves. "Murder!" Henry George and Powderly might have stopped the murder if they chose. There was Louis Lingg. He committed suicide. They strangied the others, but Louis Lingg—they tried to make bim out insane—he could not stand it and he died. Poor Louis Lingg! I know he spent all his money for pampheles to distribute among the workingmen. Well, they are dead! They think Anarchy is dead, but Anarchy is not dead! It still lives and will hee forever. Think they, they c an strangle Anarchyby killing a few men? No! Live Anarchy!

Most was oratorical, and his repetition of

Most was oratorical, and his repetition of his speech was listened to by the audience rapt in silence. He went on as before: rapt in silence. He went on as before:
Socialism sprang out of the blood of the
martyrs from the revolutions of Germany and
France. Travel round the globe and you will see
that there are more Communists than there were
soldiers of France. They are soldiers of Reaction.
Now, 1 say, if they would know anything about history they would be convinced
at once that they are mistaken in their idea that
they killed Ansrohy in strangling four men. They
are strong. They are armed and they have the
police. But we are stronger. We have stronger
arms—our ideas. Our ideas will prevail, and that is
the most impressive revenge whole we could have.
The gallows will in future be the emblem of martydom as the cross has been in the past.

Mr. Howe asked Most to repeat what he

Mr. Howe asked Most to repeat what he said about wishing to know the executioner and Most replied:

and Most replied:

"Why, I don't know. I don't see any sense in
that. It may be—I don't see why I would like to
see such a mean fellow as that. No, I wouldn't
like to see him."

Mr. Howe—Well, you don't mean by that that
you would do him bodily injury, do you?

Most—Ah, no! I never did any injury to any
offs.

one.

Mr. Howe—Did you say that for every one of these five sou would be slain in revenue?

Most—Ch, no, sir; I would be foolish to talk so in a public meeting. I did not. I went to prison

## once and I was careful this night not to transgress the law.

the law.

Assistant District-Attorney Nicoll cross-examined. While Most responded readily to the questions of his counsel, he resorted to the tactics of the familiar Old Balley witness so graphically pictured by Dickens, beat about the bush, evaded equivocated and finally answered the questions with reluctance. He said:

"No, I did not go on the stand in my former trial. I made a speech to the jury. I thought that was better. I am always feady to speak at these meetings. I take my notes in ten minutes."

Mr. Nicoll—How many times have you been in prison?

Most was about to answer when his counsel interposed. "Don't answer. I object!" said Mr. Howe said. Most said that he was willing to tell, and argued the point with Mr. Howe. Judge Cowing allowed the question, and Most said that he served one year in 1869 in Austria and was sentenced to five years in Apartic in 1879.

Mr. Nicoll—Where were you sent to prison after that and what for?

Most—In despotic Germany, for calling the Emperor a murderer.

Herr Most said that he had served eight Herr Most said that he had served eight months in Chemnitz, Saxony, in 1873, for calling the Emperor a butcher, a slaughterer. In 1874 he was sentenced at Berlin to one and one-half years for communistic speeches. In 1878 he served two months for blasphemy. In 1881 he spoke in England in approval of the blowing up of the Czar of Russia, and he was convicted by a jury "in favor of the Czar" and he got sixteen months for that. He was then editor of the Freiheit, Anarchist paper in London.

Freiheit is the organ of Anarchy and Socialism, for the former is a variety of the latter.

Fresheit is the organ of Anarchy and Socialism, for the former is a variety of the latter. Most in the chamber, and as many other people as could gain admission to the room.

Counsellor Charlie add "Honest" John ar speech, passed around arveyed him curiously.

One seated herself other passed on to a seated herself other passed around the seated herself of the seated herself other passed around the seated herself of the seated herself other passed around the seated herself of the seated herself of the seated herself of the seated herself of the seated herself other passed around the seated herself of the seated herself of

Nicoll.
While Mr. Howe, Mr. Nicoll and Judge

Nicoll.

'While Mr. Howe, Mr. Nicoll and Judge Cowing were debating the question of the admissibility of this, Most replied: "That never came up, so I don't know."

Mr. Nicoll's endeavors to get the fact of the suthorship of Herr Most of several documents and books calculated to stir hot-blooded men to unusual acts caused Mr. Howe to boil over in anger.

Judge Cowing rapped on his desk and cried, "Be calm, be cool!"

"I am calm! I am cool! I never was cooler in my life!" exclaimed the defending counsel, rising hotly and trying hard to work his nettled back away from his nettling shirt and collar, his face affaming, glowing with "inherent coolness." There was a genuine guifaw all over the court-room at this.

Most declined to answer whether he had written advising the use of explosives in Revolutionary warfare; advice of how to manufacture cheap explosives; how to use explosives and their effect: to procure the best quality of fuse and avoid its spoiling by soaking in moisture or incasing in rubber; that a wire or electric button is preferable in using an explosive at a distance, while a fuse is better when only a few moments is necessary in which to get away; that when "brilliant results are desired dynamite should be used in a strong shell." Most declined to answer on the ground that it would criminate him and would prejudice the jury.

Mr. Nicoll asked Most if he had advised the use of dynamite and had given instructions for the manufacture of bombs. Most would not answer. A number of questions of a similar nature were then asked. Most lost all patience and shouted out: "I decline to answer."

Most made a long explanation of the meaning of Answells, were rearranged to the second.

A. No. sir.

Q. Was the meeting peaceful or was there a tumult? A. It was very quiet.

Q. When a man in the sudience yelled "Revenge," what did you do? A. I said "Keep quiet! This is no time to talk that way. That con't smount to anything."

Most—Let me make a statement about that meeting. That meeting was called, and it was like all meetings of our group. Somebody would speak. I thought it would be proper to talk about the death of the Chicago men. The meeting was open and everybody could come m. Schults

As tall patience and shouted out; I decline to answer."

Most made a long explanation of the meanized to put down the rebellion of the open time of the properties. Bombs, dynamite and nitro-glycerine would be used on both sides the properties of the proper

A recess was then taken.

At 2.38 this afternoon Mr. Nicoll's cross-examination of Most was finished and the evidence was closed for both sides. Judge Cowing limited the counsel to one hour each for their closing addresses. Mr. Howe began first at 2.45 o'clock.

His speech was in the main an argument that not Most, but free speech, was on trial. He devoted considerable time to the dissection of the testimony and general character of the witnesses for the people. He closed at the expiration of the time allotted to him. Mr. Nicoli followed in behalf of the people.

## LOTTA SUED FOR \$50,000.

#### She Was the Cause of Mr. Samuels, of Cincinnati, Missing a Train.

[SPECIAL TO THE WORLD.] Boston, Nov. 29.—Just before leaving Boston for Salem yesterday afternoon, the popular little actress known all over this continent as Lotta, was waited upon by a "minion of the law," who served her with papers in a suit instituted against her by Mr. Abiram Samuels, in which the damages are laid at \$50,000.

Lotta chanced to be returning from a walk in the Public Garden, and when she caught sight of the wretched horse, lame in every leg and plainly unable to respond to the liberal persuasions of the driver's whip, her well-known sympathy for all sorts and conditions of animals was aroused, and, springing into the road, she commanded the man to stop. The Jehu, after the manner of his kind, of course refused—the poor animal was willing enough—and emphasized his refusal with his opinion, in anything but choice Anglo-Saxon, as to the daring conduct of the little lady. Lotta was nothing daunted, however, and held on to the bridle, regardless of the efforts of the driver to reach her with his whip, until a policeman arrived on the scene and relieved her by directing the driver to take his horse to Lotta chanced to be returning from a walk by directing the driver to take his horse to

he stable.

Meanwhile Mr. Samuels had been furiously conjuring the driver, and a crowd had, of course, assembled. The incident occupied some three or four minutes, just long enough to result in Mr. Samuels losing his train to the West, and he now seeks redress for his oss of time in the manner stated.

## Hirsch's Offer Accepted by the Czar.

VIENNA, Nov. 29,—Baron Hirsch's offer of \$10,000,000 for the purpose of founding primary schools and other institutions for the benefit of Jews in Russia has been accepted by the Czar. The money has been deposited in the Bank of England.

## Desperate Fight with Burglars.

CAMDEN, Nov. 29. —Lorenzo Bateman, an employee of Wenonah, Gloncester & Co., had a desperate fight with two burgiars who entered the company's store shortly after midnight. He held them both until assistance came.

# CRASH ON THE RAIL.

A Coal Train Runs Into an Express on the Pennsylvania.

Engineer Smith Fatally Injured and Several Others Seriously Hurt.

Details of the Disaster Hard to Get, but the Block-Signal System was Defective Somewhere-Several Passengers for New York Had Narrow Escapes with Their Lives-New Yorkers on the Train.

There was a great crash on the Pennsylvania Railroad, Camden Branch, near Hightstown, N. J., this morning. Passenger rain No. 304, bound to New York, ran into a coal train near the old bridge, making both trains a complete wreck.

Engineer Joseph H. Smith, of the passenper train was crushed in his cab, and is believed to have sustained fatal injuries. Smith lives in Highstown.

Charles Hunt, baggage master of the pasenger train, was also dangerously injured. He lives in Hightstown.

A number of the passengers on the train were badly hurt, but fortunately no one was killed.

The train was crowded with people, many of them coming in Ito New York to business. Many of the passensaw that a collision was nevitable some seconds before the crash came, and there was a panic in every car. Fortunately both trains were running at slow

The passengers not injured by the shock did all in their power to calm the fears and alleviate the sufferings of the more unfortunate. The cries of Engineer Smith were pitiful. His wounds were dressed by a local physician and arrangements instantly made to send him to his home.

It is almost impossible to get any details of the accident. Information was sent to the main offices of the road in Jersey City, but the people in charge there this afternoon declined to give much of it to the public. So far as could be ascertained somebody blundered in manipulating the block-signal, a system which is popularly presumed to be proof against accidents of this kind.

Another report says that the freight train was behind time, trying to make up, and was on the up track without having the right of

The two front cars of the passenger-train were knocked to splinters. How the passen gers escaped death is a marvel. The freight train was thrown from the track.

Two of the injured men, one with his arm and ribs broken and another with his thigh crushed, have been carried to the Old Bridge depot and a physician attended them. The line is blocked by debris,

## DAN DRISCOLL MUST HANG.

#### His Conviction Affirmed by the Court of Appeals.

ALBANY, Nov. 29.—Daniel Driscoll, who murdered Bezie Gerrity in John McCarthy's dive, will have to hang. The Court of Appeals has affirmed his judgment and conviction.

An Actor in Durance Vile. [SPECIAL TO THE WORLD.]
BOSTON, Mass., Nov. 29.—Edwin Arden, actor,

charged with assault and battery upon Clerk Taylor, of the Quiney House, was ser month in the County Jail. Another Bunco Man Collared. Inspector Byrnes's men arrested John O'Brien.

## up. He is accused of beiping Tom Devine rob P. N. Houston, stopping at the Coleman House, of a \$1,000 bill. Devine has left the city. The Closing Quotations.

Clev., Col., Cin. & Ind	513	6132	5132	51%
Chesapeake & Ohio	4	4	4	4
Chie. Burl. & Quincy	12714	128	12734	128
Chicago & Northwest	1096	109%	10837	10936
Chie Mil & St. Panl	7514	7632	7432	750
Chicago & Northwest	112%	112%	11212	112 2
		113)2	113	118-
Col. & Hocking Val	9434	24%	2434	2434
Colorado & Hocking Coal	80)	31	29	81
Colorado Coal & Iron	37	37%	36%	3774
Consoudated Gas,	7436	7434	7436	7436
Dal Lank & Wastern	39132	18214	13174	13132
Delaware & Hudson	105%	10532	105	10537
E. Tenn., Va. & Ga	10%	11	10%	10%
E. Tenn., Va. & Ga. 1st pfd	68%	6354	63 %	63)4
E. Tenn., Va. & Ga. 24 pfd.,	2337	2314	23	23
		6132	60	60%
Ake Shore	9414	94%	94%	9117
Lake Erie & Western	15%	15%	1517	15%
Lake Erie & Western pref	45%	4674	4016	4536
Manhattan Consol	10 %	101	100%	101
Michigan Central		88	88	68
Mil., L. S. & Western Mil., L. S. & Western pfd	1065	10534	10574	100
Mu., L. b. & Western pid	10036	97	10514	10514
Minneapolis & St. Louis	8952	90%	60.5	90/2
Missouri Pacific Missouri, Kansas & Texas	1715	1832	223	1942
Missouri, Kansas & leias	45.74	76	7452	7512
New Jersey Central	107%	107%	107%	10712
New York Contract	3832	19975	3834	89 2
New York Central	20	290	5617	853
W V Lake Krin & West ofd	6534	65%	66	66.0
New York, Susq. & West. N. Y. Susq. & Western pfd Norfolk & Western	9	9	9	9
N. V. Susq. & Western ofd	3014	3014	3014	80 M
Norfolk & Western	16%	1617	16%	167
Norfolk & Western pfd		4174	4117	4112
Northern Pacific	46514	46%	4534	4632
Objo & Mississoppi	23	2834	23	2314
Ontario & Western. Oregon Railway & Navigation.	10%	16%	16%	16%
Oregon Railway & Navigation.	89	8917	89	89%
Oregon Transcontinental	20.04	20%	20	2014
Oregon Improvement	40	41	40	41
Pacific Mail	3716	39	2734	38%
Philadelphia & Reading	68%	6934	68	69
Pooria, Decatur & Evansville.	21	21	2014	*****
Pullman Palace Car Co	13834	13836	138 7	13836
Richmond & West Point Ter.	26 %	Hi.	25	2014
Rich. & West Point Ter. pfd bt. Paul & Omaha	61 kg	6136	61%	61%
St. Paul & Omaba	106)	1079	10639	#3935 10035
St. Paul, Minn. & Manitoba St. Louis & San Fran	36	36	36	1073
		734	124	800
		2650	2516	1278
Tenn, Coal & Iron		200	200	501/
Union Pacific	55	863	6435	860
Union Pacific. Wabash, St. Louis & Pacific	1714	1736	1712	17%
Wals., St. Louis & Pacific pfd	3116	Siff	81)	81/2
Western Union Telegraph	* T832	79	714	7642
Wheeling & Lake Erse		67	46	4634
to make an warm to transfer.			-	

Sin Twice Committed seems less a crime. But pain grows more intense until

dineteenth Day of the Hudson Association's Meeting. Judges-Capt, J. Nelson and H. Schultze, fr. Secretary, S. Whitehead, Starter, W. Kane,

GUTTENBURG RACES.

ISPECIAL TO THE WORLD. I
NORTH HUDSON DRIVING PARK, GUTTENBURG,
N. J., Nov. 20. —The fact that the frost did not make the Guttenburg track unfit to race on to-day

is an agreeable surprise; to all interested, for although the track is somewhat impy, it is soft, and by keeping the harrows at work until the races were called a fairly good track was the result. The cold snap told somewhat on the crowd, which was smaller than usual, but the "gate" and "game" was ample to pay expenses, and it now looks as if nothing will stop the half-mile races other than a deep snow. The racing, as a whole, did not prove very exciting. The favorites Pocasset and Clatter winning the first two races in a romp. The third was somewhat an upset, but it was won easily by the second favorite Franz. PIRST BACK.

PIRST RACE.

Purse \$200, of which \$50 to the second, for maiden three-year-olds; to carry 100 lb. each, without allowances; five furiouss.

W. Lane's br. g. Pocasset, 3, by Powhatan, dam Night Rose, 100. (Ossier) 1
The Miller, 100. (Bergan) 2
John Keyes, 100. (Burton) 5
Commotion, 105. (Hueston) 0
King Bird, 100. (Seward) 6
Keester, Marche Hungerold, 100. for-Margie Hunter colt, 103...

Rossiler—Maggie Hunter coit, 103.....(Doane) of Time—1.09. Betting—5 to 4 on Pocasset, 8 to 5 against The Miller, 8 to 1 the Maggie Hunter coit, 10 to 1 John Keyes, 18 to 1 each King Bird and Commotion. For a Place—Pocasset barred, 8 to 8 on The Miller, 5 to 2 each against John Keyes and the Maggie Hunter coit, 6 to 1 each Commotion and King Bird.

The Race.—Pocasset took the lead soon after the start and kept it to the end, winning by a length from The Miller, who was two lengths in front of John Keyes. Mutuels paid \$4.05 on the winner straight, \$2.40 for a place; The Miller, for a place, \$2.65.

SECOND BACE. barred sto 4 each of Birer and 5 of 1 Compensation.

The Race.—Brier led for nearly three-quarters of a mile, when Clatter came away, winning easily under a pull by four lengths, Brier second, ten lengths in front of Sight-Unseen. Mutuels paid: Clatter to win, \$8.20; for a place, \$2.58; Brier for a place, \$3.20.

THIRD BACK. Purse \$200, of which \$50 to the second, for orses that had run and not won at Guttenburg luring the meeting; three-quarters of a mile. I. Askey's b. h. Franz, 4, by Incommode, da H. Askey's D. B. Franz, 4, 57 Incommode, dam
Reb Lee, 118 (Cowan)
Nonsense, 115 (Muston)
Mollie Thomas, 115 (M. Barrett)
Geo. Angus, 115 (Watson)
Little Mack, 120 (Kemp)
Lytton, 115 (McEwen)
Saluda, 115 (Green)
St. John, 115 (Stewart)
Treasurer, 115 (Sampson)
Warren Lewis, 115 (D. Barrett)

FOURTH RACE,

The fourth race was a dash of three-quarters of a mlie for all ages; selling allowances; \$150 to the winner, \$50 to the second. Starters—All-noke (Crittenden), 118; St. Elmo, (Watson), 114; Playfair (Harcourt), 114; Neptunus (Bergen), 112; Harry (Hueston), 166, and Telegraph (Gorman), 160 th. Betting—5 to 4 on St. Elmo, even against Neptunus, 12 to 1 each Telegraph, Harry and Playfair, and 20 to 1 Allanoke. For a Place—8t. Elmo and Neptunus barrad, 3 to 1 each Harry and Allanoke. Won by M. J. Daly's Neptunus by ten lengths in 1.25%, with St. Elmo second six in front of Harry. Mutuels paid \$4 to win, \$2.30 for a place, and St. Elmo, for a place, \$2.50,

FIFTH RACE.

The Clifton Entries. The entries for the races announced to be run at Clifton to-morrow are as follows: FIRST RACE.

Purse \$200, of which \$50 to the second, for two-year-olds that have run and not won a two-year-old race at Clifton; three-quarters of a mile. 

BECOND RACE Purse \$200, of which \$30 to the second, for all ages; selling allowances; horses entered to be sold for \$2,000 to carry full weight; seven furlongs.

Chicago bunco steerer, to-day and locked him THIRD RACE.

THIRD RACE.

Purse \$200, for three-year-olds, that have run and not won more than one race at Clifton; selling allowances; horacs entered to be sold for \$500 to carry full weight; three-quarters of a mile.

Lb.

Silver Star. 106 String Ban 97

Alva 108 Micawber 97

Count Luns 109 Trojan 97 anada Southern ...... 56% 50% 55% 55% FOURTH RACK. Purse \$250, of which \$50 to the second; a handi-FIFTH RACE.

Purse \$200, for three-year-olds and upward, at weight for age; seven furlongs. 

Policemen Dismissed for Drunkenness. Officers Gibson, of the Ninth Precinct; Masterson, of the Eleventh Precloct, and Murpay, of the Twenty-seventh Precinct, were dismissed by the Police Commissioners from the force this morning for drunkenness.

WASHINGTON, NOV. 29.



-For Connecticut, fair weather, slight change in temperature: light to A fresh northerty winds becoming variable. For Eastern New York, fair weather, stight changes in temperature,

Hight northwesterly toings,

becoming variable.

# SHARP WINS

# Granted a New Trial by the Court of Appeals.

All the Judges Concur in Reversing the Conviction.

The Prevailing Opinion by Judge Danforth and a Supplemental One by Judge Peckham.

Flatter in the Court of Appeals Chamber When the News Was Announced-Roscoo Conkling, Attorney-General O'Brien and Other Eminent Lawyers Listen to it and Lay Their Heads Together-The Judgment Reversed on the Ground That the Court Erred in Admitting the Evidence of Sharp Before the Senate Investigating Committee, and the Testimony of Pottle. of Ex-Alderman Miller, of the Detectives Concerning the Canadian Extles and of Phelps-The News First Communicated to Mrs. Sharp at Ludlow Street Jail-Assistant District-Attorney De Lancey Nicell Thinks That Sharp Can Be Convicted Without the Testimony Taken Before the Senate Committee,

#### [SPECIAL TO THE WORLD.]

ALBANE, Nov. 29 .- The Court of Appeals handed down its decision to-day on the appeal of Jacob Sharp from his conviction for bribery in obtaining the franchise for a Broadway railroad from the Board of Alder-



The decision of the General Term affirm ing the conviction is reversed and a new trial is ordered.

The opinion was written by Judge Dan forth, and was concurred in by all his associates. A supplemental opinion was written by Judge Peckham.

There was somewhat of a flutter in the Court of Appeals chamber when the was announced.

Roscoe Conkling, ex-Judge Nosh Davis, Attorney-General O'Brien and other prominent lawyers put their heads together and conversed about the decision.

Then the wonder increased as it becam known that the decision was unanimous.

JUDGE PECKHAM RULES POTTLE OUT. The decision of Judge Danforth is a ponderous document of 104 pages, or 2,500 words. It is accompanied by a supplementary decision by Judge Peckham of about 1,000 words. All the other Judges of the Court concur in both opinions.

The opinion of Judge Peckham is an elaborate review of the testimony of Pottle, the Assembly clerk, who swore that Sharp offered him money to change the wording of the surface road bill of 1883 on its way to the Governor. Judge Peckham finds that Judge Barrett made an error in admitting this testi-

SHARP'S TESTIMONY CANNOT BE USED. The decision of Judge Danforth sustains every point raised by Sharp's counsel and is regarded as a very powerful and learned document and is accepted as the strongest opinion ever written by Judge Danforth.

A large part of it is devoted to the admission by Judge Barrett of Sharp's testimony before the Senate Investigating Committee. It is held that the admission of this testimony is in violation of article 5, section 2 of the constitution, and section 79 of the Penal Code is interpreted as Sharp's counsel, E. W. Page, maintained.

It is held that the word " investigation " in

The testimony of Ed Phelps as to the receipt of money from Sharp to secure the passage of the General Surface Railroad bill by the Legislature is ruled out, and evidence



to prove the flight of Keenan, Moloney, De Lacy and others to Canada is held to be

### SHARP HEARS THE NEWS.

His Palthful Wife Burst Into Tears, but He is Unmoved and Falls Asleep. A WORLD reporter was the first to reach Ludlow street jail after the news had been

received that the Court of Appeal had

ordered a new trial for Jacob Sharp. Warden Keating refused to permit the reporter to see Mr. Sharp, nor would be tell Mr. Sharp of the decision himself, because it is the custom at the jail that only the counsel of prisoners shall inform them of the decis-

ions of the court. At 11 o'clock a dozen reporters were awaiting the arrival of Sharp's lawyer. At 11.15 the doors were opened to admit Mr. Clark a brother of one of Beurke Cockran's law partners, who was immediately admitted to Sharp's presence. When Mr. Clark came out of the jail he

When Mr. Clark came out of the jail he made the following statement as to the manner in which Sharp received the news:

"I found Mr. Sharp reclining on an invalid's extension-chair in his bed-room. Mrs. Sharp was moving about the room, and a servant was dusting the mantelpiece. Mr. Sharp's eyes were open, but he seemed to be only half awake."

"I touched him on the arm and said: 'Mr. Sharp, I have very good news for you.' He leaned his head slightly forward, but spoke no word. I had my partner's telegram in my

no word. I had my partner's telegram in my pocket and read it aloud. It was as follows:

ALBANY, Nov. 29.

ALBANY, Nov. 29.

Sharp judgment reversed unanimously. Opinions by Peckham and Danfortn.

W. BOUREE COCERAN. SHARP UNMOVED, MRS. SHARP IN TRADS.

"Mr. Sharp did not seem in the least affected by the news. I believe he understood what I read, but he showed no emotion. If it had been one of the many begging letters which he roceives daily he could not have been more unconcerned.

"Mrs. Sharp, however, had listened with rapt attention to wint I said, and when I was half way through reading the despatch she burst into tears, knelt at her husband's side, and threw her arms about him. She said:
Oh, Mr. Clark, I'm so happy, but I've beard so nany rumors about this that I can beard so nany rumors about this that I can beard so many rumors about this that I can scarcely believe the news is really true. Let

me see the telegram.'
"I put it in her hands, but she could hardly distinguish the writing through her Even his wife's emotion did not lead Mr.

"Even his wife's emotion did not lead Mr. Sharp to make the least demonstration of joy, either by word or act.

"He seems to be a very sick man. I think the long strain attendant upon his trial and his continued confinement have had a deplorable effect on his bodily and mental faculties. NOMINAL BAIL EXPECTED.

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"There will be no attempt to have Mr. Sharp admitted to bail until Mr. Cockran arrives. He will come to New York by the train which gets there at 7 o'clock, but I do not think he will move in the matter until to-morrow morning. Of course the motion for bail could be made by any other of Mr. Sharp's counsel, but Mr. Cockran is the one on whom Mr. Sharp has relied since his conviction and all through the appeals to the General Term and the Court of Appeals, and it will be he who will make the motion to free his client.

"Any judge of the Supreme Court can admit Mr. Sharp to bail pending the new trial. The bail before conviction was \$50,000. but I think the amount will now be placed at a merely nominal figure."

Peter Mitchell, another of Sharp's counsel, called at the jail soon after Mr. Clark left.

called at the jail soon after Mr. Clark left, He offered his congratulations to Mrs. Sharp, but the aged prisoner was asleep and it was thought best not to disturb him.

## MAY STILL BE CONVICTED. Mr. Martine and Mr. Nicoll Think that

Sharp May Get His Deserts.

The opinion of the Court of Appeals prob ably excited more surprise in the District Attorney's office than elsewhere in this city, not only because the case against Sharp was believed to be a very strong one, but also because the conviction had been unanimously

confirmed by four judges of the Supreme

Court sitting in General Term.

District-Attorney Martine, sitting at his desk engaged in an earnest conversation withh is assistant, McKenzie Semple, It is held that the word "investigation" in that section includes legislative investigation.

The decision also finds error in the admission of the testimony of Pottle. It holds that the testimony of ex-Alderman Miller as to the receipt of money by the Aldermen, which he "supposed" was to pay for their votes on the Broadway road franchise, was inadmissible against Sharp.

OTHER ERRORS.

withh is assistant, McKenzie Semple, looked up as the reporter entered and asked "Is it true. I have not received a v ord of advice and I am surprised, if it is really true, that the Court of a bribe-giver, and the questions that arose were entirely new. Naturally anxions to convict we offered overy but of evidence available to that end. We were sustained by five justices of the Supreme Court, and, as I hear that the Court of Appeals was divided

"As to the question of a new trial, were I to continue in office I should move it in January, though that would depend in great measure on the opinion of the Court in reversing the judgment, for I have seen opinions which left so little to prove that a second trial would be useless. If the reversal is only on the question of the Senate Committee testimony and the testimony of Pottle, the Senate clerk, as to attempted bribery, I think that we could still secure a conviction. bribery, I think that we could still secure a conviction.

"If I were able to try the case I would oppose an application for admission to ball, but as there is an incoming administration that will have to look after the people's interests, I must consult Col. Fellows as to the amount of bail which we should demand.

"This decision sets back the trials of the other boodlers almost indefinitely. It undoubtedly affects favorably the cases of Richmond and Kerr, and if we can't convict Sharp we must not expect to convict the others. Sharp must be retried and convicted before the people can hope to push to a successful issue the indictments against Richmond and Kerr."

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Assistant District-Attorney De Lancey Nicoll, the young prosecutor who had so gallantly fought the array of legal ability brought to the array of legal ability brought to the defense of Sharp on his trial and defeated Sharp's lawyers before the jury and the General Term, arrived at his office shortly before 11 o'clock this morning, where he was first informed by a reporter of The World that the Court of Appeals had determined to grant the man in Ludlow Street Jail a new trial.

"Was it a divided court," he quietly asked, and when told that it was not, he continued: "If the Court of Appeals has decided that it was error to admit the evidence taken before the Senate Committee I think that Sharp can still be convicted without it.

"I do not know what the policy of the prosecution will be with regard to a new trial. I shall probably not participate in it if one is had, as I will be out of office.

"Of course the question of the admission of Sharp to bail will arise, but there is no necessity for such action if his trial is moved immediately. But I can see very little about the decision until I see the opinion."

Asked with regard to the appeals now pending in the cases of ex-Alderman McQuade and O'Neil, Mr. Nicoll said: "There were no points on the appeals now pending in the cases of ex-Alderman McQuade and O'Neil, Mr. Nicoll said: "There were no points on the appeal in the Sharp case that were identical with any in the O'Neil case. In the case of McQuade, however, there was the question of error improving the absence of the Canadian exiles—the Keenan crowd. If that was a point relied on by the court in its decision, it will be of service to Mr. Newcombe in his appeal.

NEW QUESTIONS DECIDED.

Assistant District-Attorney Davis said that

NEW QUESTIONS DECIDED Assistant District-Attorney Davis said that the result was not so great a surprise as a reversal in the Jahne case would have been. There were in the Sharp case many new questions and there was consequent doubt. It seemed too bad to put the county to the great expense of a new trial, but there seemed to be no doubt in the mind of Mr. Davis that Sharp would be convicted again.

JUDGE BARRETT SURPRISED. JUDGE BARBETT SURPRISED.

Judge Barrett manifested surprise when, as he was entering Supreme Court, Chambers, this morning, he was told how his rulings had been ruthlessly reversed. Being asked for his impression he hesitated a moment and replied: "Under the circumstances think that I had better not say anything, hope the gentlemen of the press will fully appreciate my position."

## SHARP'S LAWYERS GRATIFIED.

Motion to Admit Him to Ball May be

Mr. Albert Stickney, who was Sharp's principal lawyer, was found at his office, at 31 Nassau street. He had received a despatch from Albany announcing the decision of the Court of Appeals before the reporters pounced upon him. Mr. Stickney-said he did not wish to express any opinion.

"I am not surprised," he remarked. "T have maintained all along that Mr. Sharp would get a new trial. I had no doubt that the Court of Appeals would decide that Mr. Sharp had been convicted on illegal evi-

FELT CONFIDENT ALL ALONG

Mr. Peter Mitchell is one of Sharp's lawyers who has never doubted that a new trial
would be granted. He did not arrive at his
office in the Stewart Building until noon.
"You know," he remarked, "that I have
always been confident of a new trial being
granted Mr. Sharp. I was certain that the
judges of the Court of Appeals would decide
that the evidence given by Mr. Sharp before the Senate Committee should not
have been used against him on his
trial. There was hardly a lawyer in
the city except those engaged in the
prosecution who did not at the time declase
that the admission of that evidence was
clearly illegal and unjust. Then the testimony of the witness Pottle was against the
laws of evidence. In fact, the prosecution
put in a lot of evidence
such as was never before admitted in any trial that I have ever read of or
heard of. I have been so confident of a new
trial being ordered that I may say that I may
say that I am not surprised at the decision.
I did not think the decision would be handed
down until to-morrow. I was at my house,
325 West Fifty-sixth street, when a despatch
arrived announcing the good news. It came
about 10 o'clock."

A MOTION FOR BAIL. "What will be the next move in Mr. Sharp's behalf?"

"Why, I suppose we will move to have him admitted to ba'l. He is a very sick man and should be admitted to bail without de-

lay."
John E. Parsons, one of Sharp's leading John E. Parsons, one of Sharp's leading lawyers, was in the Supreme Court trying a case before Judge Ingraham when he heard of the decision. He was extremely elated at the news that Sharp's sentence had been reversed. Said he "It is very gratifying to me to know that the decision was unanimous, I didn't see very well how it could be otherwise."

I didn't see very well how it could be otherwise."

"From the outset," said Richard S. Newcombe, "I have said that the admission of Pottier's evidence would result in reversal. Then the admission of the Senate Committee evidence was certainly improper. I was a little disappointed that the General Term did not reverse the judgment. I am satisfied that the Court of Appeals has done rightly."

W. Bourke Cockran is in Albany. He arrived there last evening. He will obtain a certified copy of the decision of the Court of Appeals, and will probably return to this city to-night. He may appear in court to-morrow morning and ask that Mr. Sharp be admitted to bail.

"THE BOTTOM ENOCKED OUT OF THE CASE."

" THE BOTTOM ENOCKED OUT OF THE CASE. Ex-Judge Homer A. Nelson, of counsel for Sharp, was found at his office in the Bennett Building. He greeted the reporter cheerly with: "Well, they've knocked the bottom clean out of the case, haven't they? There isn't enough left for a new trial.

"Well, I haven't said much, but I have at-